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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,146	08/21/2001	William R. Stuchlik	TDCI 4347.5	7703

27128 7590 05/27/2003

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EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,146

Applicant(s)

STUCHLIK, WILLIAM R.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 5-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Page 14, line 17 states "the directional switch 117" however, it was previously disclosed as reference number 227.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Little et al. (USPN 3277511).

Little et al. discloses a wheeled floor cleaning vehicle (50) comprising a lift unit (132) capable of up and down movement. There is a floor surface treating unit (255) that is carried by the lift unit having an elongate head (200). The head is in pivotal connection (161) with the lift unit for rotation of the head to different angular positions (figure 9). There is a locking mechanism (220) that releasably locks the head in a selected angular position (201, 201', 201"). The pivotal connection comprises a pivot assembly extending up through a pivot opening in the head and through an opening in the lift unit, wherein the openings are coaxially aligned. The pivot assembly is secured to the lift unit against outward movement and also having a support member (204) for supporting the floor surface treating unit upon upward movement of the lift

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unit. The head is thereby removably connected to the lift unit by the pivot assembly. The pivot assembly comprises a roller bearing or bushing that helps to facilitate rotation of the head relative to the lift unit. There are openings (168) that are spaced radially from the pivot axis of the head and correspond to different angular positions of the head. The locking mechanism (220) comprises a pin that is movable between an unlocked position and a locked position. The pin is receivable in the openings to lock the head in selected angular positions. The locking mechanism further comprises a biasing member (227) to bias the pin toward the locked position.

Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer et al. (USPN 5016310).

Geyer et al. discloses a wheeled floor cleaning vehicle (10) comprising a wheeled chassis (11), a housing (20) supported by the chassis and a lift unit (28) capable of up and down movement. There is a floor surface treating unit (24) that is carried by the lift unit having an elongate head. The head comprises a pair of brushes each having separate motors to drive the brushes. The head is in pivotal connection with the lift unit for rotation of the head to different angular positions (figure 2). There is a locking mechanism (52) that releasably locks the head in a selected angular position (26, 26'). The pivotal connection comprises a pivot assembly extending up through a pivot opening in the head and through an opening in the lift unit, wherein the openings are coaxially aligned. The pivot assembly is secured to the lift unit against outward movement and also having a support member for supporting the floor surface treating unit upon upward movement of the lift unit. The head is thereby removably connected to the lift unit by the pivot assembly. The pivot assembly comprises a bushing that helps to facilitate rotation of the head relative to the lift unit.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. (USPN 3345671).

Wilson et al. discloses a wheeled floor cleaning vehicle (10) comprising a lift unit (106, 108) capable of up and down movement. There is a floor surface treating unit (56) that is carried by the lift unit having an elongate head. The head is in pivotal connection with the lift unit for rotation of the head to different angular positions (figure 2, 4). There is a locking mechanism that releasably locks the head in a selected angular position (col. 2, lines 48-54).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Swisher, Jr. et al. (USPN 4290820).

Swisher, Jr. et al. discloses a wheeled floor cleaning vehicle (10) comprising a lift unit (58) capable of up and down movement. There is a floor surface treating unit (102) that is carried by the lift unit having an elongate head. The head is in pivotal connection with the lift unit for rotation of the head to different angular positions (154). The hydraulic cylinders act as a locking mechanism that releasably locks the head in a selected angular position.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Veselka (USPN 4691402).

Veselka discloses a wheeled floor cleaning vehicle comprising a lift unit (50) capable of up and down movement. There is a floor surface treating unit (20) that is carried by the lift unit having an elongate head. The head is in pivotal connection with the lift unit for rotation of the head to different angular positions (figure 3). There is a locking mechanism that releasably locks the head in a selected angular position (81).

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Allowable Subject Matter

Claims 5-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 states the exact limitations for the pivot bushing. It must comprises a flange that is larger than the lift unit opening and must engage the lift unit upon movement of the lift unit upward such that the flange supports the floor surface treating unit. Claim 7 teaches the slide assembly comprising guide slots and pins to adjust the angle of the head.

All of the references disclosed above do not teach the limitations in claim 5 or 7, nor would it have been obvious to one of ordinary skill in the art to combine references to achieve the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

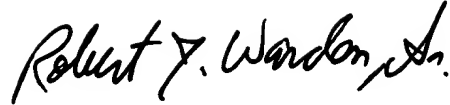
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

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slb
May 20, 2003

A handwritten signature in black ink, reading "Robert J. Warden, Sr." in a cursive script.

ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700